

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARC AMOURI BAKAMBIA,

No. 0:20-cv-01434-NEB -KMM

Plaintiff,

v.

ORDER

PAUL SCHNELL, *Commissioner of DOC*;
GUY BOSCH, *Warden*; VICTOR
WANCHENA, *Asso. Warden*; LOUIS
SHICKER, MD; Dr. DARRYL ROBERT
QUIRAM; BRENT PLACKNER, PA;
TAMMY LISOWY; and MCF-
STILLWATER;

Defendant.

This matter is before the Court regarding the DOC Defendants’¹ Joint Motion Regarding Continued Sealing. ECF No. 95. The motion concerns documents filed under temporary seal in connection with the DOC Defendants’ response to Mr. Bakambia’s motion for a preliminary injunction. These documents include the DOC Defendants’ memorandum in opposition to Plaintiff’s motion (ECF No. 62), the Declaration of Kathy Reid (ECF No. 64), and Exhibit 1 to Ms. Reid’s Declaration (ECF No. 64-1). Each of these documents contain private medical information regarding Mr. Bakambia. The Court recognizes that the DOC Defendants are precluded from unilaterally disclosing private health data under the Minnesota Government Data Practices Act, which motivates their request for continued sealing. ECF No. 95.

Mr. Bakambia has previously addressed the sealing of certain documents in a letter dated November 29, 2020. ECF No. 78. Specifically, Mr. Bakambia asks that

¹ The DOC Defendants include Paul Schnell, Guy Bosch, Victor Wanchena, and Tammy Lisowy.

Ms. Reid's declaration be unsealed because the redactions in the publicly filed version do not concern anything he considers confidential. Mr. Bakambia does not assert that the exhibit to Ms. Reid's Declaration should be unsealed. Mr. Bakambia argues that the DOC Defendants' memorandum should be unsealed because the DOC Defendants merely repeated allegations from his own Declaration in support of the motion for injunctive relief. *See* Pl.'s Decl., ECF No. 48.

Having reviewed the documents at issue, the DOC Defendants' stated reasons for requesting continued sealing, and Mr. Bakambia's position, and considering the applicable legal standard, the Court finds that the DOC Defendants' memorandum and Ms. Reid's Declaration should be unsealed. These documents are judicial records because they were filed in connection with a request regarding the exercise of the Court's Article III judicial powers. Mr. Bakambia has affirmatively disavowed his own interest in preserving the confidentiality of the information in these documents. As a result, the Court finds that the interest in confidentiality does not outweigh the public's qualified right of access. However, Mr. Bakambia has not taken the same position with the exhibit to Ms. Reid's Declaration, which comprises several discrete medical records. For these documents, the Court finds that the interest in maintaining confidentiality outweighs the public's qualified right of access.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The Clerk of Court is directed to unseal the documents at docket entries 62 and 64; and
2. The Clerk of Court is directed to keep the documents at docket entry 64-1 under seal.

Date: December 28, 2020

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge